

REMARKS/ARGUMENTS

Claims 1-9, 11, 12, 31-35, 38, 39, 56-60, 63 and 64 are pending in this application. Claims 10, 13-30, 36, 37, 40-55, 61 and 62 have been cancelled. Claims 1-9, 11, 12, 31, 34, 35, 38, 39, 56, 59, 63 and 64 have been amended.

The Office Action objects to the drawings for failing to show reference numeral 10 and being of rough quality. Figures 1 and 2 have been corrected to obviate these objections.

Applicants appreciate the opportunity provided by the Examiner on December 13, 2005 for the telephonic interview in which the below rejections were discussed. In accordance with that interview, Applicants have amended the claims to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants also provide the below arguments as to why the obviousness rejections should be withdrawn.

The Office Action rejects to claims 1-4, 6-8, 13, 31-34, 36, 40, 56-58, 60 and 61 under 35 U.S.C. § 112 as being indefinite. The Office Action asserts that the claims lack sufficient structure or steps to reduce the transmission rates or impede UV transmission as claimed. This objection is moot as to claims 13, 36, 40 and 61, which have been cancelled. Claims 1-9, 11, 12, 31, 34, 35, 38, 39, 56, 63 and 64 have been amended to clarify the claimed subject matter. In particular, the plurality of panels of the body of the nurser liner comprise an oxygen barrier, while the closure member is selectively resealable and connected to the plurality of panels of the nurser liner in order to provide the claimed reduced oxygen transmission rate.

The Office Action rejects claims 20, 25, 26, 28-30, 45, 50, 51 and 53-55 as being anticipated under 35 U.S.C. § 102(b) by Duckwall. This objection is moot as to claims 20, 25, 26, 28-30, 45, 50, 51 and 53-55, which have been cancelled.

The Office Action rejects claims 20, 24-28, 45 and 49-53 as being anticipated under 35 U.S.C. § 102(b) by Yanase. This objection is moot as to claims 20, 24-28, 45 and 49-53, which have been cancelled.

The Office Action rejects claims 1-3, 5, 7-9, 23, 31-33, 35, 48 and 56-58 as being obvious under 35 U.S.C. § 103 over Duckwall in view of Tsai. This objection is moot as to claims 23 and 48, which have been cancelled. Claims 1 and 31 include the feature of a closure member connected to the plurality of panels and being selectively sealable with the closure member providing access to the inner volume and a nurser liner body with a plurality of panels comprising an oxygen barrier, wherein the body and the closure member have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period. Claim 56 has the feature of a nurser liner with an oxygen barrier that limits an oxygen transmission rate into an inner volume of the nurser liner used for storing the breast milk to less than about 2.0 cubic centimeters over a 24-hour time period and providing the nurser liner with a substantially air-tight resealable closure member connected to a plurality of panels of the nurser liner. Duckwall and Tsai fail to disclose or suggest these features of claims 1, 31 and 56.

Duckwall discloses containers having oxygen barrier protection for pre-packaging and storing of food. (Duckwall p. 13, lines 17-21). The insert can be pre-filled with formula and "heat sealed with a conventional metal laminate peelable lid." (Duckwall p. 14, lines 17-21). The Duckwall container is for "an empty or prefilled, sterilized insert." (Duckwall p. 3, lines 2-9). The Duckwall container has a lid that is "a conventional peelable lid, which can be made of a metal foil, impermeable plastic, foil-plastic laminate, and the like [that] is preferably heat sealable, peelable, foil or plastic based impermeable lid, heat sealed to the flange using a conventional adhesive." (Duckwall p. 5, lines 1-7). The Duckwall lid should be "puncturable or otherwise openable so as to permit removal of the contents." (Duckwall p. 5, lines 12-16). The Duckwall container does not have a resealable closure, let alone such a closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member.

The Tsai patent discloses films that can be used as oxygen barriers for packaging of long-shelf life products such as food and beverage products, condiments, and certain pharmaceutical and health care products. (Tsai col. 1, lines 7-16). Tsai does not disclose or suggest a nurser liner having the features of claims 1, 31 and 56 of a resealable closure, let alone such a closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member connected to a plurality of panels of the nurser liner.

Claims 2-3, 5, 7-9, 23, 32-33, 35, 48 and 57-58 depend from claims 1, 31 and 56 and, thus, are also not obvious over the combination of Duckwall and Tsai.

The Office Action rejects claims 1-3, 5-7, 23, 31-33, 35, 36, 48 and 56-59 as being obvious under 35 U.S.C. § 103 over Yanase in view of Tsai. This objection is moot as to claims 23, 36 and 48, which have been cancelled. As described above, Tsai does not disclose or suggest a nurser liner having the features of claims 1, 31 and 56 of a resealable closure, let alone such a closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member. Yanase describes a nurser liner that is sealed close and sterilized using radiation. The sealed Yanase bag is then torn open along perforations. A separate closure means can be provided for closing the bag once it is filled with the breast milk. (Yanase col. 7, lines 37-55 and col. 10, lines 11-25). Yanase does not disclose or suggest the use of a resealable closure connected to the plurality of panels, let alone such a closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member connected to a plurality of panels of the nurser liner.

Claims 2-3, 5-7, 23, 32-33, 35, 36, 48 and 57-59 depend from claims 1, 31 and 56 and, thus, are also not obvious over the combination of Yanase and Tsai.

The Office Action rejects claims 10-12, 14, 16, 18, 19, 21, 22, 37-39, 41, 43, 44, 46, 47 and 61-64 as being obvious under 35 U.S.C. § 103 over Duckwall in view of Macauley. This objection is moot as to claims 10, 14, 16, 18, 19, 21, 22, 37, 41, 43, 44, 46, 47, 61 and 62, which have been cancelled.

Claims 11, 12, 38, 39, 63 and 64 depend from claims 1, 31 and 56 and include the features of a closure member connected to the plurality of panels and being selectively sealable with the closure member providing access to the inner volume and a nurser liner body with a plurality of panels comprising an oxygen barrier, wherein the body and the closure member have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or a nurser liner with an oxygen barrier that limits an oxygen transmission rate into an inner volume of the nurser liner used for storing the breast milk to less than about 2.0 cubic centimeters over a 24-hour time period and providing the nurser liner with a substantially air-tight resealable closure member connected to a plurality of panels of the nurser liner. As described above, the Duckwall container does not have a resealable closure, let alone such a closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member. Macauley describes a blow-molded bottle with a simple twist cap. Macauley also does not have a resealable closure connected to a plurality of panels, a resealable closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member.

The Office Action rejects claims 10-12, 14-17, 21, 22, 37-39, 41-44, 46, 47 and 61-64 as being obvious under 35 U.S.C. § 103 over Yanase in view of Macauley. This objection is moot as to claims 10, 14-17, 21, 22, 37, 41-44, 46, 47, 61 and 62, which have been cancelled.

Claims 11, 12, 38, 39, 63 and 64 depend from claims 1, 31 and 56 and include the features of a closure member connected to the plurality of panels and being selectively sealable with the closure member providing access to the inner volume and a nurser

liner body with a plurality of panels comprising an oxygen barrier, wherein the body and the closure member have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or a nurser liner with an oxygen barrier that limits an oxygen transmission rate into an inner volume of the nurser liner used for storing the breast milk to less than about 2.0 cubic centimeters over a 24-hour time period and providing the nurser liner with a substantially air-tight resealable closure member connected to a plurality of panels of the nurser liner. As described above, the Yanase and Macauley patents do not have a resealable closure connected to a plurality of panels, a resealable closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member.

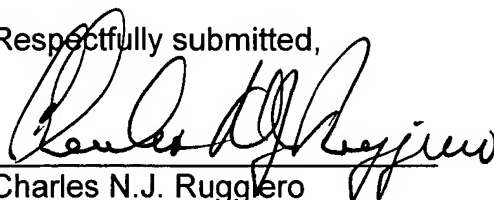
The Office Action rejects claims 4, 13, 34, 40 and 60 as being obvious under 35 U.S.C. § 103 over the above art and further in view of Macauley. This objection is moot as to claims 13 and 40, which have been cancelled.

Claims 4, 34 and 60 depend from claims 1, 31 and 56 and include the features of a closure member connected to the plurality of panels and being selectively sealable with the closure member providing access to the inner volume and a nurser liner body with a plurality of panels comprising an oxygen barrier, wherein the body and the closure member have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or a nurser liner with an oxygen barrier that limits an oxygen transmission rate into an inner volume of the nurser liner used for storing the breast milk to less than about 2.0 cubic centimeters over a 24-hour time period and providing the nurser liner with a substantially air-tight resealable closure member connected to a plurality of panels of the nurser liner. As described above, the relied upon art including Duckwall, Tsai, Yanase and Macauley do not have a resealable closure connected to a plurality of panels, a resealable closure and liner body that have an oxygen transmission rate into the inner volume of less than 2.0 cubic centimeters over a 24-hour period or an air-tight closure member.

In view of the foregoing, Applicants respectfully submit that all claims present in this application are patentable over the cited prior art and the cited combinations of same. Accordingly, Applicants respectfully request favorable reconsideration and withdrawal of the objections and rejections of the claims. Also, Applicants respectfully request that this application be passed to allowance.

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Respectfully submitted,



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Amendments to the Drawings:

The drawings have been corrected to show reference numeral 10. Replacement sheets for FIGS. 1 and 2 have been included.

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